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TAGS: [EFIN](#) [KTFN](#) [PREL](#) [PTER](#) [UNSC](#) [XA](#)
SUBJECT: 1267/TERRORISM: GUIDANCE REGARDING YEMENI
PROPOSAL TO HOST HASSAN DAHIR AWEYS

REF: USUN 000365

Classified By: IO PDAS JAMES B. WARLICK FOR REASONS 1.4 (B) AND (D)

¶1. (U) This is an action request. Please see paragraph 6.

SUMMARY

¶2. (S) Per reftel, Yemeni Perm Rep Abdullah Alsaiedi on April 2 told USUN Ambassador DiCarlo that Yemen is prepared to submit a travel ban exemption request to the 1267 (al-Qaida/Taliban sanctions) Committee to seek permission to allow Somali national Hassan Dahir Aweys' relocation to Yemen. He wanted to know if the United States would support such a request, which Alsaiedi claims would allow Yemen to "control better" Aweys, whom the Yemeni Government believes is an extremist working to destabilize Somalia. Department would not support this request.

BACKGROUND

¶3. (S) Hassan Dahir Aweys -- a Somali national who was added in November 2001 to the UN 1267 Consolidated List based upon his connection to al-Qaida-linked Al-Ittihad al-Islamiya (AIAI) -- is indeed playing the role of a spoiler in Somalia's peace process. Aweys had been residing in Eritrea, but recent press reporting indicates he may have traveled to Khartoum, Sudan, and then returned to his native Somalia. His presence in Eritrea, which supports insurgent and terrorist groups opposed to Somalia's Transitional Federal Government (TFG), is problematic, but his relocation to Yemen would be worse. Aweys would be able to exploit Yemen's black market in arms to equip Somali insurgents, and in the worst case, could form a link between violent Somali extremists and al-Qaida operatives in Yemen. Moreover, it is not clear how Yemen would ensure Aweys would move, or that any such move would be voluntary -- despite claims by Alsaiedi that the Foreign Minister believes Aweys could be convinced to travel to Sanaa. Also, Yemen's capacity to monitor Aweys is questionable.

¶4. (U) Pursuant to paragraph 1 b of UNSCR 1822, Member States are obliged to prevent entry into or transit through their territories of listed individuals with three possible exceptions: 1) "provided that nothing in this paragraph shall oblige any state to deny entry into or require the departure from its territories of its own nationals"; 2) "and this paragraph shall not apply where entry or transit is necessary for the fulfillment of a judicial process"; 3) "or the committee determines on a case by case basis only that entry or transit is justified."

¶5. (SBU) Yemen's proposal to seek a travel ban exemption for

Hassan Dahir Aweys to relocate to Yemen would have to be deemed by the 1267 Committee as "justified," as the request does not fall within the first two categories outlined above.

The committee infrequently receives exemption requests that fall into this third category, which -- as reflected in the Committee's guidelines -- contemplates travel for discrete periods of time to accomplish specific objectives (such as receiving medical treatment). Under the Committee's guidelines, Yemen would be required to provide extensive information to the 1267 Committee in support of its request, including information explaining the purpose of and justification for the proposed travel. It is difficult to see what justification Yemen would advance for Aweys' exemption that would be acceptable to the Committee. Furthermore, Department is concerned that critics of targeted sanctions would view USG support for or involvement in any relocation of Aweys as further evidence that the sanctions lack transparency and fairness. Therefore, Department does not believe we could or should support Yemen's request, nor should we entertain similar proposals to relocate Aweys to another friendly third state for monitoring. We remain open, however, to travel ban exemption requests on a case-by-case basis for Aweys for purposes beneficial to the peace process in Somalia.

ACTION REQUEST

¶6. (SBU) Action Request: Department requests USUN inform Yemeni PermRep Abdullah Alsaïdi that we would not support a travel ban exemption request to the 1267 Committee to allow Aweys' relocation to Yemen for purposes of keeping closer tabs on Aweys' activities and whereabouts. USUN should thank Yemen for the courtesy of consulting with us in advance, but express our view that travel ban exemptions were not set up to accommodate such open-ended exemptions for travel, nor could we support an exemption request -- from Yemen or any other Member State -- for purposes of keeping closer tabs on a listed individual's activities. USUN should explain to Yemen that we could not support or encourage any move which might be viewed as unduly pressuring or coercing listed individuals.

POINT OF CONTACT

¶7. (U) Inquiries may be directed to IO/PSC (Erin Crowe, 202-736-7847).
CLINTON